

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DEANDRE WHYTE, §
§
Plaintiff, §
§
v. § Civil Action No. 3:23-cv-1303-X-BN
§
JOHN COLLINS, §
§
Defendant. §

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE
JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. [Doc. 10]. The Magistrate Judge recommends the Court should dismiss with prejudice Plaintiff's amended complaint and this lawsuit because Plaintiff cannot prevail under the cited federal statutes and fails to plausibly show that Defendant is liable for the misconduct alleged.

Plaintiff filed an objection. The objection contends that Plaintiff dutifully followed the administrative process, but Defendant failed to respond to Plaintiff's mailings or properly carry out his fiduciary duties. None of these arguments rebut the Magistrate Judge's findings that Plaintiff cannot prevail under the federal statutes cited in the amended complaint and otherwise fails to plausibly show that Defendant is liable for the misconduct alleged. Accordingly, the Court **OVERRULES** the Plaintiff's objection.

The District Court reviewed *de novo* those portions of the proposed findings, conclusions, and recommendation to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and **DISMISSES** the case with prejudice.

IT IS SO ORDERED this 1st day of September 2023.



BRANTLEY STARR
UNITED STATES DISTRICT JUDGE